

REMARKS/ARGUMENTS

Claims 36-83 are pending in this application.

Applicant appreciates the Examiner's allowance of claims 63-83.

Applicant also appreciates the Examiner's indication that claims 42, 47, 50-53, 58, and 60 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Claims 36-41, 43-46, 48, 49, 54-57, 59, 61, and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Makoto (JP 2003-271074).

However, Makoto does not qualify as prior art against the present Application. The present Application claims priority to PCT Application No. PCT/2003/10998 which was filed on August 28, 2003. Makoto does not qualify as prior art against the present Application under 35 U.S.C. § 102(a) and (b) because the publication date of Makoto of September 25, 2003 is later than the filing date of the PCT Application No. PCT/2003/10998 of August 28, 2003. Makoto does not qualify as prior art against the present Application under 35 U.S.C. § 102(e) because Makoto is not a U.S. Patent or a U.S. Patent Publication.

Because Makoto does not qualify as prior art under any of section of 35 U.S.C. § 102, Makoto cannot be relied upon to reject to claims of the present Application Under 35 U.S.C. § 103(a). Thus, the rejection of claims 36-41, 43-46, 48, 49, 54-57, 59, 61, and 62 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Makoto is improper.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 36-41, 43-46, 48, 49, 54-57, 59, 61, and 62 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Makoto.

In view of the foregoing remarks, Applicant respectfully submits that claims 36, 39, and 63 are allowable. Claims 37-38, 40-62, and 64-83 depend upon claims 36, 39, and 63, and are therefore allowable for at least the reasons that claims 36, 39, and 63 are allowable.

In view of the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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